

Application No. 10/532,274
Inventors: Wase, Lars and Forsberg, Mats
Title: A MILKING DEVICE
Response to Restriction Requirement dated 4 January 2007

Remarks

Applicants respectfully traverse the restriction requirement set forth in the Office Action of January 4, 2007. Applicants respectfully submit that unity of invention (PCT Rule 13.2) is present as to all claims, and that the requirement for a restriction is unsupported in the present application.

The examiner has correctly indicated that the standard to be governed for determination of the appropriateness of a restriction requirement is the unity of invention requirements of PCT Rule 13.2. That Rule provides that unity of invention is present where there is a single general inventive concept when a technical relationship exists which involves at least one common or corresponding special technical feature. The examiner has erred in asserting that the claims are not linked to form a single inventive concept. In this regard, the basis for restriction asserted at the top of page 3 of the Office Action focuses on one limitation of one dependent claim, rather than considering the existence of at least one common special technical feature.

In the present application, there is presented only a single independent claim, claim 1. Thus, it is manifest that all of the claims share a common special technical feature. That is, all of the claims include the gas conditioning sub-system which is arranged to supply the conditioned gas to at least one auxiliary gas consuming point of the milking device outside the milk-transporting system.

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The Examiner's attention is invited to Chapter 10 of the International Search and Preliminary Examination Guidelines, referenced in MPEP Section 1893.03(d) and which may be found at www.wipo.int/pct/en/texts/gdlines.htm . The provisions of those Guidelines are particularly instructive. Unity of invention is to be considered in the first place in relationship to the independent claims. Here, the applicant has not presented different categories of claims (e.g., methods of manufacture, methods of use, etc.) but only one category of claims, all linked by a common special technical feature. Applicants respectfully further note that page 5 of the International Search Report does not indicate that unity is lacking (which is equivalent to an affirmative indication that unity of invention is present), and further the International Search Report indicates that all claims are free of the prior art in terms of patentability.

In view of the foregoing, Applicants submit that unity of invention exists as to all of the claims of the present application, and requests that the requirement for a restriction be withdrawn. Because the Office Action requires that the applicants make at least a provisional election, applicants elect Species II, claims 1-20, for examination, with traverse.

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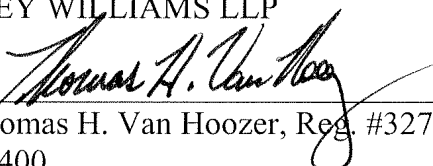
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Should the examiner have any questions concerning this application which may be resolved by a telephone conference, he is encouraged to contact the undersigned at 1-800-445-3460. Any additional fees necessitated by this submission may be charged to deposit account 19-0522.

Respectfully submitted,

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